



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

HC  
3/12/99

In re Application Of:	Brian L. Launder	)	<b><u>PATENT APPLICATION</u></b>
	Charles Clendenning	)	
Serial No.:	08/938,909	)	Examiner: V. Batson
Filed:	September 26, 1997	)	Group Art Unit: 3671
For:	EXCAVATING TOOTH ASSEMBLY	)	

**PETITION AND FEE TO CORRECT  
ORIGINALLY NAMED INVENTORS (37 CFR §1.48(a))**

Assistant Commissioner for Patents  
Washington, D.C. 20231

RECEIVED  
TECHNOLOGY CENTER 3600  
99 MAR -9 PM 2:57

Sir:

- 1.) This Petition is to correct the incorrect naming of inventors regarding the above-identified patent application under 37 CFR 1.48(a).
- 2.) Please delete the following named person as an inventor of the invention disclosed in the above-identified patent application: Brian L. Launder.
- 3.) Attached in support of this Petition is:
  - a) A Statement of Facts verified by Charles Clendenning establishing when the error, which was made without deceptive intention, was discovered and how it was discovered, and the diligence with which this Petition is being made with respect to these facts;
  - b) A Statement of Facts verified by Brian L. Launder establishing when the error, which was made without deceptive intention, was discovered and



In Re Application Of: B. L. Launder  
C. Clendenning  
Serial No.: 08/938,909

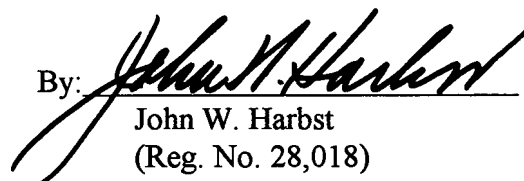
Page 2

how it was discovered, and the diligence with which this Petition is being  
made with respect to these facts;

- c) Written Consent of Assignee; and
- d) A \$130.00 check for payment of the fee required by 37 CFR §1.17(h).

Respectfully submitted;

By:

  
John W. Harbst  
(Reg. No. 28,018)  
Attorney of Record

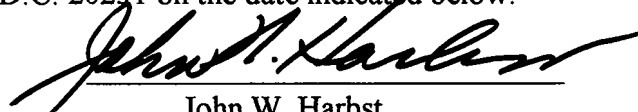
1180 Litchfield Lane  
Bartlett, Illinois 60103  
(630) 289-4839  
(630) 289-0269 (Fax)

**CERTIFICATE OF MAILING**

I hereby certify this PETITION AND FEE TO CORRECT ORIGINALLY NAMED  
INVENTORS (37 CFR §1.48(a)), along with all related papers, is being deposited with the  
United States Postal Service with sufficient postage as First Class Mail in an envelope addressed  
to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date indicated below.

Date:

Feb. 26, 1999

  
John W. Harbst





**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application Of:	Brian L. Launder	)	<b><u>PATENT APPLICATION</u></b>
	Charles Clendenning	)	
		)	
Serial No.:	08/938,909	)	Examiner: V. Batson
		)	
Filed:	September 26, 1997	)	Group Art Unit: 3671
		)	
For:	EXCAVATING TOOTH ASSEMBLY	)	
		)	

**APPENDIX "A"**

**VERIFIED STATEMENT OF CHARLES CLENNENNING**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Charles Clendenning, declare that:

1.) The invention described and claimed in the above-identified patent application, as amended and accordance with Amendment "A", was developed solely and exclusively by Charles Clendenning.

2. I am the engineering superintendent at H&L Tooth Co. located in Tulsa, Oklahoma. As engineering superintendent, I am involved with the design and development of multiple aspects of excavating accessories. More specifically, I am and have been involved with design , development, manufacture and installation of excavating teeth assemblies including adapters or supports and digging or excavating teeth. During the course of my employment activities with H&L Tooth Co. I became aware of a need and desire in the marketplace for an excavating tooth assembly including an adapter and digging or excavating tooth wherein the digging or excavating tooth and adapter had cooperative stabilizing areas thereon. Accordingly,



In Re Application Of: B. L. Launder  
C. Clendenning  
Serial No.: 08/938,909

Page 2

I undertook a development to engineer and design an excavating tooth assembly comprised of an adapter or support configured to releasably accommodate a digging or excavating tooth along a lengthwise portion thereof and wherein the adapter and tooth were configured with cooperating surfaces which, when the excavating tooth was properly mounted on the adapter, combined with each other to add stabilization to the digging tooth on the adapter.

3. A patent application disclosing my new invention was prepared for my review and formal papers including a combined Declaration and Power of Attorney were presented for my signature. The patent application I reviewed included disclosures beyond the new excavating or digging tooth I had developed. At the time I reviewed the patent application and prior to signing the formal papers, I believed I understood the contents of the patent application, including the specification, and the combined Declaration and Power of Attorney. At the time I executed the combined Declaration and Power of Attorney, I believed the invention disclosed in the patent application I reviewed was attributable to both myself and Mr. Brian L. Launder, without deceptive intent. I have been subsequently appraised that I was in error and that the contributions of Mr. Brian L. Launder to the excavating tooth assembly disclosed in the patent application I reviewed were insufficient to make him a co-inventor, with which I concur.

4. Upon review of the outstanding November 27, 1998 Office Action, and with a better understanding of invention which is sought to be patented, as defined by the claims presented for consideration following entry of an Amendment "A", it was ascertained that Mr. Brian L. Launder did not contribute to the design of the subject invention, and the contributions made by Mr. Brian L. Launder were insufficient to make him a joint inventor of the subject



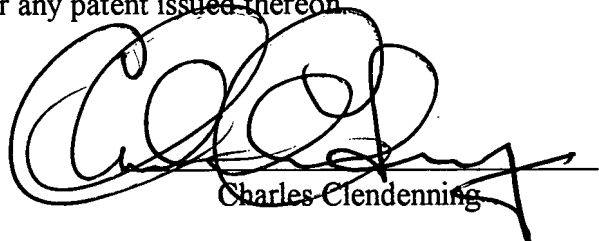
In Re Application Of: B. L. launder  
C. Clendenning  
Serial No.: 08/938,909

Page 3

application.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and all such statements may jeopardize the validity of the above-identified patent application or any patent issued thereon.

Date: 2-22-99



Charles Clendenning